

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1252

707-0013

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the BNSF Railway Company ("Company"), the Mound Township Road District ("Road District"), and the State of Illinois, Department of Transportation ("Department" or "IDOT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through application for assistance from the Grade Crossing Protection Fund that inquiry should be made into the matter of improving public safety at the TR 167 highway-rail grade crossing of the BNSF Railway Company's track near Adair, McDonough County, Illinois, designated as crossing AAR/DOT #063 800K, railroad milepost 154.60; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossing by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to this Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish proposed improvements to the crossing upon determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law, 625 ILCS 5/18(c)-7401, requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund ("GCPF") of the Motor Fuel Tax Law ("MFT") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the following improvements in the interest of public safety at the aforesaid crossing should be:

- (a) Installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, by the Company.

DOCKETED

- (b) Installation of temporary STOP signs at the TR-167 crossing within 30 days of a Commission Order for the installation of new automatic warning devices, by the Company.

Section 3 The Company has prepared detailed drawings, circuit plans, required specifications and a preliminary cost estimate to accomplish the proposed safety improvements, which may be required by Commission Order. The drawings, circuit plans, specifications, and cost estimate are attached and incorporated herein by reference as Exhibit B.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be twelve (12) months from the date of a Commission Order approving this Agreement.

Section 5 The parties agree that an equitable division of cost for the proposed improvements is as follows:

- COST DIVISION TABLE -

IMPROVEMENT	EST. COST	GCPF	ROAD DISTRICT	COMPANY
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$161,831	95% \$153,740 ¹	\$0	5% Remainder ²
Install Temporary STOP Signs, if ordered	No Estimate Required	\$0	\$0	100% ³
TOTALS	\$161,831	\$153,740	\$0	\$8,091

Notes:

¹ Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$153,740; any installation costs above the estimated amount of \$161,831 will be divided between the parties in the same percentages noted above, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission.;

² Company responsible for all future operating and maintenance costs associated with the new automatic warning devices.

³ Company responsible for all future maintenance costs associated with the temporary STOP Signs.

Section 6 The Road District is not financially able to bear an equitable portion of the cost for the proposed improvements, has requested relief from said costs, and has submitted documentation attesting to the Road District's inability to pay, attached and incorporated herein by reference as Exhibit D

Section 7 *Special Provisions: The Company shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibit C, along with this executed Agreement.*

The Company shall, at six (6) month intervals from the date of the Commission Order approving this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibit C,

regarding the progress it has made toward completion of the work required by this Agreement. Each Project Status Report shall include the Commission Order's docket number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of the Company Project Manager.

All bills for warning device installation work specified in Section 2 of this Agreement authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit, Bureau of Local Roads and Streets, Illinois Department of Transportation, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all invoices to the Director of Processing and Information, Transportation Bureau of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twelve (12) months from the completion date specified in the Commission Order approving this Agreement. The Department shall not obligate any funds for the cost of proposed improvements described in this Agreement without prior approval by the Commission. The Commission shall, at the end of the 12th month from the completion date specified in the Commission Order approving this Agreement, Orders or any Supplemental Order(s) issued for this project, notify the Department to de-obligate all residual GCPF assistance accountable for this project. Notification may be by regular mail, electronic mail, fax, or phone.

SECTION 8 Billing: For all work specified in Section 2 of this Agreement, and authorized by an Order of the Commission, the Company shall assure that sufficient documentation for all bills is made available for review by the Department or the Department's representative. The minimum documentation that must be made available is outlined below:

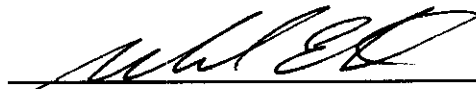
- a) Labor Charges (including additives) - Copies of employee work hours charged to the railroad account code for the project.
- b) Equipment Rental - Copies of rental agreements for the equipment used, including the rental rate; number of hours the equipment was used and the railroad account code for the project.
- c) Material - An itemized list of all materials purchased and installed at the crossing location. If materials purchased are installed at multiple crossing locations, a notation must be made to identify the crossing location.
- d) Engineering - Copies of employee work hours charged to the railroad account code for the project.
- e) Supervision - Copies of employee work hours charged to the railroad account code for the project.
- f) Incidental Charges - An itemized list of all incidental charges along with a written explanation of those charges.
- g) Service Dates - Invoice should include the beginning and ending date of the work accomplished for the invoice.
- h) Final or Progressive - Each invoice should be marked as a Progressive or a Final Invoice.

- i) Reference Numbers - Each invoice should include the AAR/DOT number, the ICC Order number and the state job number when federal funds are involved.
- j) Locations - Each invoice should show the location, with the street name and AAR/DOT crossing inventory number.

Section 9 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate Order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 3rd day of January 2007.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Henry Humphries
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1252, executed by Commission Staff on January 3, 2007, concerning improvements at the TR 167 highway-rail grade crossing of the BNSF Railway Company's tracks, near Adair, McDonough County, Illinois, designated as crossing AAR/DOT #063 800K, railroad milepost 154.60.

Executed by the BNSF Railway Company this 9th day of FEBRUARY 2008.

BNSF RAILWAY COMPANY

By: Craig Rasmussen

Attest:

Brent D. Apple

Illinois Commerce Commission Stipulated Agreement No. 1252, executed by Commission Staff on January 3, 2007, concerning improvements at the TR 167 highway-rail grade crossing of the BNSF Railway Company's tracks, near Adair, McDonough County, Illinois, designated as crossing AAR/DOT #063 800K, railroad milepost 154.60.

Executed by the Illinois Department of Transportation this 13th day of February 2007

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By:



Milton R. Sees, Director of Highways/Chief Engineer

Illinois Commerce Commission Stipulated Agreement No. 1252, executed by Commission Staff on January 3, 2007, concerning improvements at the TR 167 highway-rail grade crossing of the BNSF Railway Company's tracks, near Adair, McDonough County, Illinois, designated as crossing AAR/DOT #063 800K, railroad milepost 154.60.

Executed by Mound Township Road District this 23 day of February 2007.

MOUND TOWNSHIP ROAD DISTRICT

By: Jr. Baker

RECEIVED
FEB 26 2007

Illinois Commerce Commission
RAIL SAFETY SECTION

Attest:

Robert J. Dickman

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	BNSF
USDOT#, MILEPOST	063 800K, 154.60
STREET, CITY, COUNTY	TR-167, near Adair, McDonough County
JURISDICTION (RDWY)	Mound Township Road district
LOCATION	Rural, Commercial/Residential
STREET SURFACE	17', Oil/Chip, Good Condition

CROSSING DATA: See Location Sketch for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Main	FDT	24'	Fair

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	None
TRAFFIC CONTROL	None
ADT & SPEED	75 Vehicles Per Day @ 55 MPH (Unposted)
TRAFFIC TYPE	Passenger, School Buses, Hazardous Materials, (All possible)
ADVANCE WARNING	Yes
PAVEMENT MARKING	No

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	14-16 Per day @ 49 MPH, Day & Night? Yes
PASSENGER TRAFFIC	None
WARNING DEVICES	Crossbucks

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	49	MPH
Roadway Speed	55	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	540	FEET
Along Tracks	518	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1,201	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	Ok*		50'*	Corn
NW	Ok*		50'*	Corn
SE	Ok*		Ok*	Beans
SW	Ok*		OK*	Beans

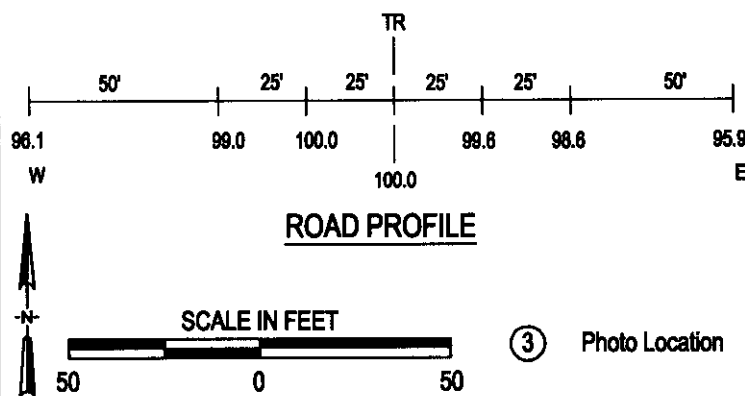
*Note: The installation of automatic flashing light signals and gates eliminate the need to satisfy minimum Sight Distance criteria.

APPROACH GRADES: See Location Sketch

DIRECTION: EAST/NORTH			DIRECTION: WEST/SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
Meets	92	ILL	Adm	Code	1535
"	"	"	"	"	"

Distance measured from outermost rail.

COMMENTS: See Page 3 for the Location Sketch (Aerial Photo) of the crossing.



Crossing #: 063800K

Location: McDonough Co., City of Adair (Near)

Lat/Long: 40°28'05" / 90°29'43"

Railroad: BNSF

Street: TR 167

Railroad Milepost: 154.60

Crossing Protection: Sign

***** MAINTAIN PROPRIETARY CONFIDENTIALITY *****

THE B. N. S. F. RAILWAY COMPANY
FHPM ESTIMATE FOR
ILLINOIS

LOCATION:- EAST ADAIR TO WEST BUSHNE DETAILS OF ESTIMATE PLAN ITEM: PS1063800K VERSION: 1

PURPOSE, JUSTIFICATION AND DESCRIPTION

INSTALL CONSTANT WARNING AND FLASHER WITH GATES AT COUNTY RD IN ADAIR, IL. SPRINGFIELD
DIV., BEARDSTOWN SUBDIV., L/S 0012, M.P. 154.6, DOT # 063800K.
MONTHLY POWER UTILITY COST CENTER : 61697

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTATIVE PACKAGES USED FOR ESTIMATING PURPOSE ONLY.
THEY CAN BE EXPECTED TO CHANGE AFTER THE ENGINEERING PROCESS, DETAILED AND ACCURATE MATERIAL LISTS WILL BE FURNISHED WHEN ENGINEERING IS COMPLETED.
CONTINUING CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF RAILROAD.
THIS ESTIMATE IS GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR LABOR, MATERIAL, AND OVERHEAD.

***** SIGNAL WORK ONLY *****

THE STATE OF ILLINOIS IS FUNDING APPROXIMATELY 95% WITH BNSF FUNDING APPROXIMATELY 5% OF THIS PROJECT.

MAINTAIN PROPRIETARY CONFIDENTIALITY.

DESCRIPTION	QUANTITY	U/M	COST	TOTAL \$

LABOR				

ELECTRICAL LABOR F/POWER TRANS SYS	54.00	MH	1,277	
SIGNAL FIELD LABOR - CAP	800.00	MH	17,456	
SIGNAL SHOP LABOR - CAP	64.00	MH	1,447	
PAYROLL ASSOCIATED COSTS			14,778	
EQUIPMENT EXPENSES			5,334	
DA LABOR OVERHEADS			20,243	
INSURANCE EXPENSES			3,177	
TOTAL LABOR COST			63,712	63,712

MATERIAL				

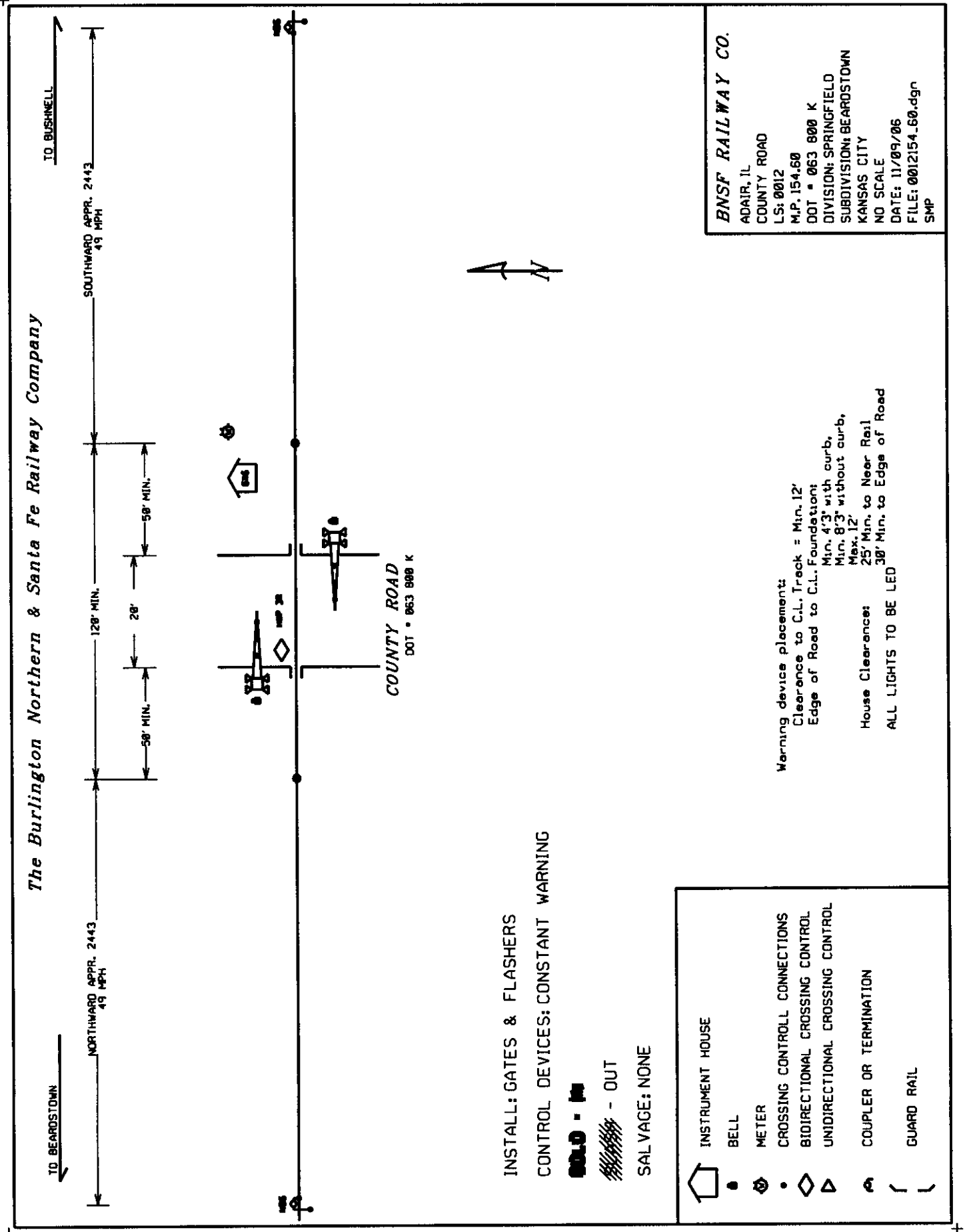
BATTERY	1.00	EA N	4,539	
BUNGALOW 6X6	1.00	EA N	7,612	
BUNGALOW MATERIAL	1.00	LS N	3,399	
CABLE	1.00	EA N	3,096	
CHARGERS	1.00	LS N	810	
CONDUIT, PVC 4", SCH 80	60.00	FT N	234	
CONSTANT WARNING	1.00	EA N	13,015	
FIELD MATERIAL	1.00	LS N	3,073	
FOUNDATION	2.00	EA N	970	
GATE KEEPER	2.00	EA N	3,550	
GATE MECH. MODEL 95 COMPLETE	2.00	EA N	10,800	
LAMP RESISTOR	1.00	EA N	761	
LED LIGHT ADJUSTMENT	8.00	EA N	1,792	
LED LIGHT GATE KIT	2.00	EA N	732	
LIGHT OUT DETECTOR	1.00	EA N	682	
MATERIAL FOR ELECTRICAL	1.00	EA	1,500	
RECORDER	1.00	EA N	2,220	
RTU-6, CELLULAR MONITOR	1.00	EA N	2,060	
SHUNT, NBS	2.00	EA N	1,058	
MATERIAL HANDLING			75	
USE TAX			4,053	
OFFLINE TRANSPORTATION			769	

*****	TOTAL MATERIAL COST		-----	66,800	66,800	-----
*****	OTHER					

AC POWER SERVICE	1.00	EA		10,000		
CONTRACT ENGR.	1.00	EA N		5,000		
FILL DIRT	10.00	CY N		250		
SURFACE ROCK	25.00	CY N		625		
	TOTAL OTHER ITEMS COST		-----	15,875	15,875	-----
	PROJECT SUBTOTAL				146,387	
	CONTINGENCIES				14,638	
	BILL PREPARATION FEE				806	

	GROSS PROJECT COST				161,831	
	LESS COST PAID BY BNSF				8,093	

	TOTAL BILLABLE COST				153,738	
						=====



**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

PROJECT STATUS REPORT

TYPE: (CHECK ONE)

PROGRESS	<input type="checkbox"/>
COMPLETION ¹	<input type="checkbox"/>

DATE	<input type="text"/>
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PROJECT INFORMATION:

Reporting Party:	BNSF Railway Company
Docket/Order #; Date:	
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due ¹ :	
AAR/DOT#, RR Milepost:	063 800K, 154.60
Street, (in/near) City, County:	TR 167 near Adair, McDonough County
Railroad Company:	BNSF

¹Completion reports involving changes to the railroad crossing must include an updated USDOT Inventory Form.

PROJECT MANAGER INFORMATION²:

Name:	CRAIG RASMUSSEN
Title:	MANAGER PUBLIC PROTECTS
Representing:	BNSF Railway Company
Street Address:	80-44th AVE NE
City, State, Zip:	MINNEAPOLIS, MN 55421
Office Phone:	763-782-3468
Office Fax:	763-782-3061
Cellular Phone:	612-839-0672
E-Mail Address:	craig.rasmussen@BNSF.com

²Project Manager Information to be submitted by BNSF Railway Company.

DESCRIPTION OF IMPROVEMENTS ORDERED:

- Install new automatic flashing light signals and gates (AFLS/Gates) controlled by constant warning time circuitry.
- Install temporary STOP Signs.

STATUS OF WORK: (use additional blank sheet, if necessary)

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Mail directed to the **Rail Safety Section** or the **Director of Processing and Information**, Transportation Bureau of the Commission should be addressed to:

Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

If you have questions contact:

Henry Humphries, Railroad Safety Specialist
Phone: 217/785-8423
Email: hhumphri@icc.illinois.gov

A **Form 3 Petition** can be obtained from the Illinois Commerce Commission by calling 217/782-7660 or on the web at:

<http://www.icc.state.il.us/hg/library.aspx?key=Railroad%20Safety>

United States Department of Transportation Inventory Form #6180.71 can be obtained on the web at:

<http://safetydata.fra.dot.gov/OfficeofSafety/Forms/Default.asp>

Submit Inventory forms to:

Federal Railroad Administration Office of Safety 1120 Vermont Avenue, NW Washington, DC 20590	<u>And</u>	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway, Room 318 Springfield, IL 62764
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ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1252

Date 2/23/07

The Mound Township Road District meeting on 12/12/06, Resolved to
(Date)
authorize JR. BAKER
(Name, Office)

to act as its designated agent in the processing of this Stipulated Agreement, and
to state that Mound Township Road District is unable to pay a portion of the cost
for the proposed improvements as outlined in Section 2 of this Agreement.